

Appl. No. : **10/810,660**
Filed : **March 29, 2004**

REMARKS

Claims 1 and 27 have been amended to specify that the first electrode is partially transmissible and partially reflective and that the second electrode is reflective. Support for these amendments may be found in the specification, for example, on page 2, lines 7-10. Claim 1 has also been amended to clarify that the first material layer is positioned between the conductor layer and the first electrode. Similarly, Claim 27 has been amended to indicate that the material layer covers the second electrode on the side facing the first electrode. Support for these amendments may be found in the specification, for example, at page 6, lines 3-4 and in Figures 4C (element 414), 5D (element 514), and 6D (element 614). In addition, Claims 1 and 27 have been amended to clarify that the supporter separates the first electrode from the first material layer. Support for these amendments may be found in the specification, for example, in Figures 4C (element 412), 5D (element 512), and 6D (element 612). Finally, Claims 1 and 27 have been amended to address prior lack of antecedent basis for the previously recited terms “etching” and “etching reagent.”

Allowable Claim 4 has been amended to incorporate limitations previously found in Claim 1 so that it could be rewritten in independent form.

Claims 8-19 and 30-33, which depend from claims having a Markush group, have been amended to clarify that these claims select an element from the Markush group and further limit that element.

Claims 20-23 and 34-35 have been amended to change the word “thick” to “thickness” in order to correct a typographical error.

Finally, Claims 24 and 36 have been amended so that the claims have proper Markush group form.

Although the Office Action indicates that only Claims 1-37 were pending, the Applicants respectfully submit that Claims 1-73 were pending. The Applicants herein cancel Claims 38-73 as being directed to non-elected subject matter. The Applicants reserve the right to pursue this subject matter in a divisional, continuation, or continuation-in-part application. Claims 1-37 remain pending in the application. The Applicants have carefully considered all of the Examiner’s objections and rejections, but respectfully submit that the claims are allowable for at least the following reasons.

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Allowable Subject Matter

The Applicants thank the Examiner for finding Claims 4, 7, 10, 13, 16, and 17-19 as being directed to allowable subject matter. The Applicants have accordingly rewritten Claim 4 in independent form so that Claims 4, 7, 10, 13, 16, and 19 may be allowed.

Claim Objections

The Examiner noted that the word “thick” in Claims 20-23 and 34-35 should have read “thickness.” The Applicants have accordingly amended these claims to correct the typographical error.

Rejections under § 102

The Examiner rejected Claims 1-3, 5, 6, 11, 12, 14, 15, 24-29, 31, 32, 36, and 37 under 35 U.S.C. § 102(b) as being anticipated by Miles (U.S. Patent No. 5,835,255). The Examiner made reference to Figure 21A of Miles, asserting that it discloses a first electrode (element 502), a second electrode (element 506), and a supporter (element 504). The Examiner also made reference to Figure 27A, asserting that it discloses a first material layer (element 900) and a second material layer (element 904). The Examiner noted that Miles indicates that the element 900 can refer to the support membrane for the secondary conductor/mirror layer, which is identified as element 506 in Figure 21A.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” M.P.E.P. § 2131 (quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 621, 631 (Fed. Cir. 1987)). With reference to Figure 27A, Miles discloses a structure having a substrate or support membrane 900, a metallic film 902, and a layer 904 that is an insulator and/or reflection enhancement film. Miles, column 20, lines 54-67. Miles specifies that the metallic mirror “*must* be somewhat transmissive and therefore no more than several hundred angstroms thick.” Miles, column 21, lines 5-6 (emphasis added). Thus, whether or not the transmissive electrode of Miles is the upper or lower electrode, Miles clearly discloses that each of the layers 900 and 904 are associated with the transmissive electrode. There is no suggestion to employ either of these layers in association with the other electrode.

In contrast, Claims 1 and 27 each recite both a partially transmissive electrode and a reflective electrode, but recite that the first material layer is associated with the reflective

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electrode. Therefore, the Applicants respectfully submit that Miles does not disclose or suggest all limitations of Claims 1 and 27 and that these claims and claims depending from them are not anticipated by Miles.

Rejections under § 103

The Examiner rejected Claims 8, 9, 20-23, 30, 34, and 35 under 35 U.S.C. § 103(a) as being obvious over Miles in view of Gotoh et al. (U.S. Patent No. 5,824,608). A prima facie case of obviousness requires that all of the claim limitations are taught or suggested by the prior art. See M.P.E.P. § 2143.03. As discussed above, Miles does not teach or suggest all of the limitations of independent Claims 1 and 27. Gotoh et al. does not teach or suggest the limitations that are missing from Miles and thus does not supply the deficiencies noted above. Accordingly, the Applicants respectfully submit that Claims 8, 9, 20-23, 30, 34, and 35, which depend from Claim 1 or 27, are not obvious over Miles in view of Gotoh et al.

CONCLUSION

By the foregoing amendments and remarks, the Applicants respectfully submit that they have overcome all of the Examiner's rejections and request a timely issuance of a Notice of Allowance.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT	Application No.	10/810,660
	Filing Date	March 29, 2004
	First Named Inventor	Wen-Jian Lin
	Art Unit	2823
(Multiple sheets used when necessary)	Examiner	Jarrett J. Stark
SHEET 11 OF 15	Attorney Docket No.	QCO.091A

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	340.	6,756,317	06/29/04	Sniegowski, et al.	
	341.	6,768,097	07/27/04	Viktorovitch et al.	
	342.	6,775,174	08/10/04	Huffman et al.	
	343.	6,778,155	08/17/04	Doherty et al.	
	344.	6,778,306	08/17/04	Sniegowski, et al.	
	345.	6,794,119	09/21/04	Miles	
	346.	6,811,267	11/02/04	Allen et al.	
	347.	6,812,482	11-02-2004	Fleming, et al.	
	348.	6,819,469	11/16/04	Koba	
	349.	6,822,628	11/23/04	Dunphy et al.	
	350.	6,829,132	12/07/04	Martin et al.	
	351.	6,853,129	02/08/05	Cummings et al.	
	352.	6,855,610	02/15/05	Tung et al.	
	353.	6,859,218	02/22/05	Luman et al.	
	354.	6,861,277	03/01/05	Monroe et al.	
	355.	6,862,022	03/01/05	Slupe	
	356.	6,862,029	03/01/05	D'Souza et al.	
	357.	6,867,896	03/15/05	Miles	
	358.	6,870,581	03/22/05	Li et al.	
	359.	6,870,654	03/22/05	Lin et al.	
	360.	6,882,458	04/19/05	Lin et al.	
	361.	6,882,461	04/19/05	Tsai et al.	
	362.	6,912,022	06/28/05	Lin et al.	
	363.	6,952,303	10/04/05	Lin et al.	
	364.	6,958,847	10/25/05	Lin	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Document Country Code-Number-Kind Code Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T ¹
	365.	CH 681 047	12-31-1992	Landis & GYR Betriebs AG		
	366.	DE 10228946 A1	1/22/2004	Universitat Bremen		
	367.	EP 0 667 548 A1	08-16-1995	AT&T Corporation		
	368.	EP 0 878 824 A2	11/18/1998	Surface Technology Systems Limited		

Examiner Signature	Date Considered
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T¹ - Place a check mark in this area when an English language Translation is attached.